

**ASSEMBLY BILL**

**No. 1373**

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**Introduced by Assembly Member Umberg**

February 22, 2005

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An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, as introduced, Umberg. State employees: memoranda of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of memorandum of understanding entered into between the state employer and State Bargaining Unit 7, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for these provisions are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that the  
2 purpose of this act is to approve an agreement pursuant to  
3 Section 3517 of the Government Code entered into by the state  
4 employer and a recognized employee organization.

5 SEC. 2. The provisions of the memorandum of understanding  
6 prepared pursuant to Section 3517.5 of the Government Code  
7 and entered into by the state employer and State Bargaining Unit  
8 7, the California Union for Safety Employees, and that require  
9 the expenditure of funds, are hereby approved for the purposes of  
10 Section 3517.6 of the Government Code.

11 SEC. 3. The provisions of the memoranda of understanding  
12 approved by Section 2 of this act that are scheduled to take effect  
13 on or after January 27, 2005, and that require the expenditure of  
14 funds, shall not take effect unless funds for these provisions are  
15 specifically appropriated by the Legislature. If funds for these  
16 provisions are not specifically appropriated by the Legislature,  
17 the state employer and the affected employee organization shall  
18 meet and confer to renegotiate the affected provisions.

19 SEC. 4. Notwithstanding Section 3517.6 of the Government  
20 Code, the provisions of any memorandum of understanding that  
21 require the expenditure of funds shall become effective even if  
22 the provisions of the memorandum of understanding are  
23 approved by the Legislature in legislation other than the annual  
24 Budget Act.

25 SEC. 5. This act is an urgency statute necessary for the  
26 immediate preservation of the public peace, health, or safety  
27 within the meaning of Article IV of the Constitution and shall go  
28 into immediate effect. The facts constituting the necessity are:

29 In order for the provisions of this act to be applicable as soon  
30 as possible in the 2004–05 fiscal year, and thereby facilitate the  
31 orderly administration of state government at the earliest possible  
32 time, it is necessary that this act take effect immediately.

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